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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,297	04/14/2004	Robert L. Franch	YOR920030605US1	6059
33233	7590	01/12/2006	EXAMINER	
LAW OFFICE OF CHARLES W. PETERSON, JR. Yorktown			VERBITSKY, GAIL KAPLAN	
11703 BOWMAN GREEN DRIVE			ART UNIT	
SUITE 100			PAPER NUMBER	
RESTON, VA 20190			2859	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/824,297	Applicant(s) FRANCH ET AL.	
	Examiner Gail Verbitsky	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/05/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 12-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 12-31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/28/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of Invention of Group I (claims 1-11) in the reply filed on November 03, 2005 is acknowledged. Claims 12-31 are withdrawn by the Examiner from further consideration as directed to non-elected invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Javanifard et al. (U.S. 6567763) [hereinafter Javanifard].

Javanifard discloses in Fig. 2 an IC temperature sensing device comprising a plurality devices connected together and forming circuit, a switchable current source 120 comprising constant current generators providing a known current to a pn-junction (diode) 110, a voltage measurement device 155 providing temperature related voltage corresponding to pn-junction.

For claim 2: the device also comprising switches (clamp) for selectively shunting current from the constant current source 120.

For claim 3: the device converts analog signal to a digital (Fig. 6, step 650) by using an ADC 150.

For claim 4: the device determines difference between first and second voltages (Fig. 6, step 640). This would imply that the device has a comparator.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Javanifard in view of Shoji (U.S. 6496056).

Javanifard discloses the device as stated above.

Javanifard does not explicitly teach that the semiconductor is a FET, pn-junction is a FET, and the circuit is a CMOS.

Shoji discloses in Fig. 2-5 and col. 3 a device including all deficient limitations of claims 6-8.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the device disclosed by Javanifard, so as to have a CMOS circuits with N-FETs and P-FETS, because all of these transistors are alternate types of pn-junctions which will perform the same function of measuring a parameter (temperature) of an IC/ CMOS, if one is replaced with the other.

6. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunst in view of Shoji (U.S. 6496056).

Kunst discloses the device as stated above.

Kunst does not explicitly teach that the semiconductor is a FET, pn-junction is a FET, and the circuit is a CMOS.

Shoji discloses in Fig. 2-5 and col. 3 a device including all deficient limitations of claims 9-11.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the device disclosed by Kunst, so as to have a CMOS circuits with N-FETs and P-FETS, because all of these transistors are alternate types of pn-junctions which will perform the same function of measuring a parameter (temperature) of an IC/ CMOS, if one is replaced with the other.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Mizuta (U.S. 20030086476) discloses in Fig. 2 a device in the field of applicant's endeavor comprising a comparator 50 for comparing measured temperature related voltage of an pn-junction with a reference/ preset voltage 60. Mizuta teaches a current supplying circuit 20 comprising plurality of FET transistors 23 and a switch (clamp) 24 selectively providing/ shunting the current to a pn-junction 32.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571/ 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2859

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GKV

Gail Verbitsky

Primary Patent Examiner, TC 2800



January 06, 2006